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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/005,768	11/08/2001	Lance J. Gay	38-0013	1386

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ANTONELLI, TERRY, STOUT & KRAUS, LLP
1300 NORTH SEVENTEENTH STREET
SUITE 1800
ARLINGTON, VA 22209-3873

EXAMINER

HOSSAIN, FARZANA E

ART UNIT	PAPER NUMBER
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2623

DATE MAILED: 07/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/005,768

Applicant(s)

GAY ET AL.

Examiner

Farzana E. Hossain

Art Unit

2623

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 13 July 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-25.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☐ Other: _____.


CHRIS KELLEY

Continuation of 11. does NOT place the application in condition for allowance because: Regarding Claim 1, The applicant argues on Page 9 of the Remarks that Beard does not disclose that the same command signal is being sent from a first location to the a second location and broadcasting the command signal from first location to the second location. The applicant further argues that the SYNC TO POINT command is converted by each guest to its local screen coordiantes. Applicant aruges that the SYNC TO POINT command is not executed on the host.

Beard discloses that the second location or guest transmits a REQUEST TO SYNC message or command signal to perform a command (Column 6, lines 43-56). Beard discloses that the the REQUEST TO SYNC is requesting to sync to a point is the command signal that is broadcasted to the other participating locations (or second location, third location, fourth location) which the reference titles SYNC TO POINT command. Therefore, the REQUEST TO SYNC message or command signal is the same command signal as the SYNC TO POINT command and the guest or second location is requesting a control operaion via the command signal and the command signal is transferred from the second location to the first location.

Moreover, the Applicant's disclosure discloses that the command is transmitted from a computer system other than the originator and then the originator may then broadcast the command to all of the other computer systems (Page 12, paragraph 0032). The command itself is altered as the original command did not include the addresses of all the other computer systems.

Regarding the argument of the SYNC TO POINT command being converted by each guest to its local screen coordinates. The examiner agrees, the participating locations including the second location performs the control operation after receiving the command signal (Column 6, ines 43-56) as disclosed by Beard.

Beard discloses the host receiving the command signal. Kinney discloses that the host or first location receives a command signal or seek/stop/play event (Column 7, lines 55-64, Figure 2A, A, Column 7, lines 11-15). Kinney discloses that upon the first location receiving the command signal from the second location, performing at the first location the control operation in response to receipt of the command signal (Column 7, lines 55-64, Figure 2A, A, 226, Figure 2B, 246, 254, Column 7, lines 11-15).

Kinney discloses a second location to transmit a command signal from second location to first location (Figure 2A, Figure 2B), the first location receiving the command signal (Figure 2A, Figure 2B) and performing the control operation upon reciept (Figure 2A, Figure 2B).

Therefore, the combination of Kinney and Beard allows for a first location to receive a command signal from the second location, broadcast to the second location and perform the control operation upon receipt of the command signal in order allow for all guests to the synchronized to any editing and to not cause miscuommunication (Column 1, lines 48-67) as disclosed by Beard.

Regarding Claim 2, Applicant aruges that command signal is sent from a second location to a first lcoation, and broadcast from the first location to the second and third locations and performing at the first and second location a control operation. The combination of Kinney and Beard discloses the limitation (See above arguments).

The applicant's arguments for the remaining claims primarily the independent claims 8 (Page 11), 13 (Page 11), 18 (Page 12), and 22 (Page 13) are similar in scope to the arguments of Claim 1. Please see arguments to Claim 1 to address the Applicant's arguments.

Regarding the arguments to Claim 14 (Page 12), See above arguments of Claim 1.

Regarding arguments to Claims 3, 5, 10, 15, 19, and 23, the applicant argues that Salesky's disclsoure of sending commands about 12 bytes data, that 300 data byets could be compressed to as little as 5 data bytes (Column 11, lines 46-52).

The examiner agrees with the applicant that Salesky does not disclose data beying compressed to one byte. However, Salesky does not disclose any details about the compression technique as it is well known in the art to compress data and bytes. The compression technique could be modified and the bytes could be compressed to 100 bytes, 50 bytes, or even 1 byte. Salesky discloses that the command signal includes bits of data (Column 11, lines 38-55). Although, Salesky does not disclose that the command identification has one one bit of one byte, the Examiner still maintains the Examiner still maintains tha the concept of bytes and bits are not inventive. It is also well known in the art that compressed signal with a reduced number of bytes will reduce the latency, make the tranmission of the command signal more efficient.

All other depeident claims were argued based on the independent claims. The rejections are maintained.